

UNITED STATES DISTRICT COURT

WESTERN

District of

ARKANSAS

FAYETTEVILLE DIVISION

CHARLES RAY SIMS and PAMELA SIMS,
Individually and on behalf of all
others similarly
situated

SUMMONS IN A CIVIL ACTION

V.

MENU FOODS INCOME FUND,
MENU FOODS MIDWEST CORPORATION,
MENU FOODS SOUTH DAKOTA INC.,
MENU FOODS INC., and MENU
FOODS HOLDINGS, INC.

CASE NUMBER:

07-5053

TO: (Name and address of Defendant)

MENU FOODS HOLDINGS, INC.

c/o Registered Agent for Service
The Corporation Trust Company
Corporation Trust Center
1209 Orange Street
Wilmington, Delaware 19801

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Jason M. Hatfield
Lundy & Davis, LLP
300 N. College Ave., Suite 309
Fayetteville, AR 72701

(479) 527-3921
(479) 587-9196 - fax

jhatfield@lundydavis.com

an answer to the complaint which is served on you with this summons, within twenty (20) days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

CHRISTOPHER R. JOHNSON

CLERK

June Newland

(By) DEPUTY CLERK

DATE

3-21-07

COPY

RETURN OF SERVICE

Service of the Summons and Complaint was made by me¹

DATE

March 23, 2007 at 2:10 p.m.

NAME OF SERVER (PRINT)

Daniel Newcomb

TITLE

Process Server

Check one box below to indicate appropriate method of service



Served personally upon the defendant. Place where served: _____



Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left: _____



Returned unexecuted: _____



Other (specify): Service on Menu Foods Holdings, Inc. was effectuated by serving Scott LaScala, Managing Agent duly authorized to accept service. Service was made at The Corporation Trust Company, 1209 Orange St., Wilmington, DE 19801.

STATEMENT OF SERVICE FEES

TRAVEL

SERVICES

TOTAL

\$60.00

\$60.00

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on March 26, 2007
Date


Signature of Server

2000 Pennsylvania Ave. #207, Wilmington, DE 19806
Address of Server

Also Served:

Notice of Availability of a United States Magistrate Judge to Exercise Jurisdiction

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.